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10/581,453	02/02/2007	Masaetsu Takahashi	R21840502P502	2180
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DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			LO, KENNETH M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/581,453	<b>Applicant(s)</b> TAKAHASHI, MASAETSU
	<b>Examiner</b> KENNETH LO	<b>Art Unit</b> 2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 June 2011.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 5) Claim(s) 1-20 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 6) Claim(s) \_\_\_\_\_ is/are allowed.
- 7) Claim(s) 1-20 is/are rejected.
- 8) Claim(s) \_\_\_\_\_ is/are objected to.
- 9) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Status of Claims***

1. Claims 1-20 are pending in the Application.

***Response to Amendment***

2. The Amendments as follows are accepted:

Amendments to the claims filed on 06/15/2011 are accepted for examination purposes.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 1, 3, 6, 8, 11, 13, recite,** "from the stored extracted data, the data accompanying the user data including at least a portion of contents of the user data" and "a recording part configured to record the created data accompanying the user data in a Lead-Out area disposed outside the user data area" It is unclear to the Examiner what the Applicant is attempting to claim. The claim recites that the data which

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accompanies the user data comprises some/all of the user data itself. It is unclear how data is accompanying user data which is included within itself.

Further, 'the user data' draws its antecedent basis from 'user data recorded in a user data area' (line 2-3). As such it is unclear how 'the data accompanying the user data including at least a portion of contents of the user data' recorded in a user data area, is recorded in an area outside the user data area, when data in which is included within is claimed to be recorded in the user data area. (In other words it is unclear how, Data X includes Data Y stored in location A, but is stored in an area in which Data Y is not stored. )

The Examiner will assume for the purposes of expediting examination of the claims, that the Applicant intended to claim including a portion of a user data which is not stored in the user data area (eg. a copy, or separate user data not stored in user data area). Appropriate correction to the claims are required.

**Claim 1, 3, 6, 8, 11, 13, recite,** "from the stored extracted data, the data accompanying the user data including at least a portion of contents of the user data" It is unclear to the Examiner what the Applicant is attempting to claim. The broadest reasonable interpretation of "at least a portion of contents of the user data" includes all of the contents of the user data. However, in view of the specification, it is unclear to the Examiner what the Applicant is claiming as "including all of the contents of the user data". Should the Applicant believe the claim is reasonably disclosed to support the broadest reasonable interpretation of "at least a portion of contents of the user data"

includes all of the contents of the user data stored in the user area, the claims may be subjected to a rejection under 35 USC 112 1st paragraph.

**Remaining claims are rejected** based on their dependence on an earlier rejected base claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-6, 8-11, 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dieleman et al [hereinafter Dieleman] (United States Patent 5,341,356) in view of Inoue et al [hereinafter Inoue] (United States Patent 6,388,766)

**As per Claim 1, 3, 6, 8, 11, 13,** Dieleman discloses, "a data extraction part configured to extract data from user data recorded in a user data area of a recording area of an information recording medium and to store the extracted data" ["**The files having been recorded in the program area, at step S125 of FIG. 12, the Table of Contents for the newly recorded information volume is assembled and, subsequently, during the execution of step S126, recorded in the lead-in area of that information volume. Subsequently, in step S127, the lead-out signal is recorded in the lead-out area LO of the information volume concerned, while the**

**control information corresponding to the contents of the Tables of Contents stored in the memory as well as the newly assembled Table of Contents are applied to the subcode input of the EFM modulator 77.” (Col 9, line 60 to Col 10 line 10)]** “a data creation part configured to create data accompanying the user data from the stored extracted data” [**“he lead-out signal generating unit comprises a unit for inserting control information for controlling the reading operation of the recorded information in the lead-out signal.” (Col 2, lines 5-15)**] “a recording part configured to record the created data accompanying the user data in a Lead-Out area disposed outside the user data area” [**“Furthermore, the control program also includes a subprogram that supplies control information to the signal generator 6 over the bus 7 for recording in the lead-out signal. This control information may contain a Table of Contents denoting all the addresses of the files in the already recorded information volumes.” (Col 4, lines 35-60)]**, but fails to explicitly disclose, “the data accompanying the user data including at least a portion of contents of the user data”

Inoue discloses, “the data accompanying the user data including at least a portion of contents of the user data” [**“a U-TOC (User Table of Contents) in which control data for controlling the audio data recorded in this program area is recorded” (Col 8, lines 5-20)** “For example, the image data or character data described as objects to be printed may be recorded in a predetermined sector of the U-TOC of the disc D. For example, an unused sector as a U-TOC sector is

**assigned as an area for recording the character data or the image data" (Col 30, lines 1-20)**

Dieleman and Inoue are analogous arts as they are both from the same field of endeavor of computer optical storage systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the system of Dieleman to utilize the ability to store user image data within/along with a TOC from disclosure of Inoue. The motivation to combine these two arts is disclosed by Inoue as, "The user reads the recorded character data or image data by means of a Mini Disc reproducing apparatus of the user for example to display the character data or the image data onto the display monitor or print the same through the printer of a personal computer system of the user for example." (Col 30, lines 1-20).

**As per Claim 4, 9, 14, Dieleman discloses, "characterized in that said index information recording part is configured to record the index information generated by said index information generating part in the Lead-Out area disposed outside the user data area to record the user data of the recording area of the information recording medium at a time after Said content data recording part completes the recording of the content data in the information recording medium" [**"**Furthermore, the control program also includes a subprogram that supplies control information to the signal generator 6 over the bus 7 for recording in the lead-out signal. This control information may contain a Table of Contents denoting all the addresses of the files in the already recorded information volumes."** (Col 4, lines 35-60)]

**As per Claim 5, 10, 15,** Dieleman discloses, "characterized in that said index information recording means part is configured to successively record successively records the index information generated by said index information generating part in the Lead-Out area disposed outside the user data area to record the user data of the recording area of the information recording medium during the recording of the content data in the information recording medium by said content data recording part"

**[Furthermore, the control program also includes a subprogram that supplies control information to the signal generator 6 over the bus 7 for recording in the lead-out signal. This control information may contain a Table of Contents denoting all the addresses of the files in the already recorded information volumes.]** (Col 4, lines 35-60)]

**As per Claim 16, 17, 18, 19, 20,** Inoue discloses, "wherein the data accompanying the user data includes image data from the user data" [**For example, the image data or character data described as objects to be printed may be recorded in a predetermined sector of the U-TOC of the disc D. For example, an unused sector as a U-TOC sector is assigned as an area for recording the character data or the image data**" (Col 30, lines 1-20)].

7. Claims 2, 7, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dieleman et al [hereinafter Dieleman] (United States Patent 5,341,356) in view of Inoue

et al [hereinafter Inoue] (United States Patent 6,388,766) in view of Ko et al [hereinafter Ko] (United States Patent US 6,765,853).

**As per Claim 2, 7, 12,** Dieleman and Inoue discloses, "The information recorder as claimed in claim 1[6]" **[See rejection above]**, but fails to explicitly show, "characterized in that said recording part part includes a part configured to record a same attribute as an attribute of the user data area as an attribute of the Lead-Out area disposed outside the user data area"

Ko discloses, "characterized in that said recording part part includes a part configured to record a same attribute as an attribute of the user data area as an attribute of the Lead-Out area disposed outside the user data area" [**"Also, a computer operating system adopts various attributes, e.g., read-only and write protection, which is capable of preventing an arbitrary change in written data using attributes of a file that stores the data."** (Col 2, lines 20-30) **"A total of four defect management areas DMA 1, DMA 2, DMA 3 and DMA 4 are present in the Lead-in area and the Lead-out area of a disc, wherein DMA 1 and DMA 2 exist in the Lead-in area and DMA 3 and DMA 4 exist in the Lead-out area, and identical information relating to disc defects and initialization of the disc is stored in each area."** (Col 5, line 5-15)] **"FIGS. 4A and 4B are examples of the data structures of a disc certification flag and a group certification flag of the disc definition structure (DDS) area of the defect management area (DMA) that stores write protection information according to the present invention."** (Col 5, line 35-45)]

Dieleman, Inoue and Ko are analogous arts as they are both from the same field of endeavor of computer optical storage systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the system of Dieleman and Inoue to utilize the write attribute storing function within the lead-out area from disclosure of Ko. The motivation to combine these two arts is disclosed by Ko as "To achieve the fourth object of the present invention, there is provided a write protection apparatus, wherein data recorded on a recordable or reproducible recording medium including a Lead-in area, a Lead-out area and a user data area is protected from unwanted overwriting or erasing, the apparatus including a controller or recorder to check write-protection information stored on the recording medium; and prohibit writing of data on the recording medium according to the write protection information." (Col 3, lines 20-35)

***Response to Arguments***

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENNETH LO whose telephone number is (571)272-9774. The examiner can normally be reached on Mon - Thu (7:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bragdon Reginald can be reached on 571-272-4204. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth M Lo/  
Primary Examiner, Art Unit 2189